

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

DONOVAN WILLINGHAM

PLAINTIFF

v.

No. 4:19CV40-GHD-JMV

STATE OF MISSISSIPPI
MARSHALL TURNER

DEFENDANTS

ORDER DENYING PLAINTIFF'S MOTION
TO ALTER OR AMEND JUDGMENT

This matter comes before the court on the plaintiff's motion for reconsideration of the court's April 2, 2020, final judgment dismissing the instant case for failure to state a claim upon which relief could be granted. The court interprets the motion, using the liberal standard for *pro se* litigants set forth in *Haines v. Kerner*, 404 U.S. 519 (1972), as a motion to amend judgment under Fed. R. Civ. P. 59(e), which must be filed within 28 days of entry of judgment. An order granting relief under Rule 59(e) is appropriate when: (1) there has been an intervening change in the controlling law, (2) where the movant presents newly discovered evidence that was previously unavailable, or (3) to correct a manifest error of law or fact. *Schiller v. Physicians Res. Grp. Inc.*, 342 F.3d 563, 567 (5th Cir. 2003).

The court dismissed the only two defendants in the case, but invited the plaintiff to identify defendants personally involved in the allegations of his complaint. He has not done so. As such, the plaintiff has neither asserted nor proven any of the justifications to amend a judgment under Fed. R. Civ. P. 59(e). As such, the plaintiff's request to alter or amend judgment is **DENIED**.

SO ORDERED, this, the 25th day of September, 2020.



SENIOR UNITED STATES DISTRICT JUDGE